

**WINDELS MARX LANE & MITTENDORF, LLP**

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*Special Counsel to Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC and  
the Estate of Bernard L. Madoff, and to  
Alan Nisselson, Chapter 7 Trustee for the  
Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re

BERNARD L. MADOFF,

Debtor.

Case No. 09-11893 (SMB)

IRVING H. PICARD, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC  
and the Estate of Bernard L. Madoff, and ALAN  
NISSELSO, Chapter 7 Trustee for the Estate of  
Bernard L. Madoff,

Plaintiffs,

v.

HOBOKEN RADIOLOGY, LLC,

Defendant.

Adv. Pro. No. 10-05386 (SMB)

**STIPULATION OF VOLUNTARY DISMISSAL OF  
ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard, Esq., as trustee for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC, under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, et seq., and the estate of Bernard L. Madoff, and Alan Nisselson, as Chapter 7 Trustee for the estate of Bernard L. Madoff (together, the “Trustees”), by and through their counsel, Windels Marx Lane & Mittendorf, LLP, and defendant Hoboken Radiology, LLC (“Defendant”), by and through its counsel, Nixon Peabody LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 9, 2010, the Trustees filed a Complaint against Defendant.
2. On July 15, 2013, Defendant filed an Answer to the Complaint.
3. On October 14, 2014, the Parties entered into a settlement agreement pursuant to the Settlement Procedures Order entered by this Court on November 12, 2010 [Dkt. No. 3181].
4. In accordance with Federal Rule of Bankruptcy Procedure 7041, and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice of the Trustees’ claims against Defendant in the above-captioned adversary proceeding and dismissing of the adversary proceeding without costs to any party.
5. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.
6. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: New York, New York  
April 7, 2015

By: /s/ Howard L. Simon  
Howard L. Simon (hsimon@windelsmarx.com)  
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*Special Counsel for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation of Bernard L.  
Madoff Investment Securities LLC and Bernard L. Madoff  
and Alan Nisselson, Chapter 7 Trustee for the Estate of  
Bernard L. Madoff*

Dated: Jericho, New York  
April 6, 2015

By: /s/ Thomas M. Mealiffe  
Thomas M. Mealiffe, Esq. (tmealiffe@nixonpeabody.com)  
NIXON PEABODY LLP  
50 Jericho Quadrangle, Suite 300  
Jericho, New York 11753  
Phone: (516) 832-7500

*Attorneys for Defendant*

SO ORDERED

Dated: April 7<sup>th</sup>, 2015  
New York, New York

/s/ STUART M. BERNSTEIN  
HON. STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE